

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

September ~~13~~⁹, 2017
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Walter, Commissioners Carlson, Barksdale, Laing, Morisseau

COMMISSIONERS ABSENT: Commissioner deVadoss

STAFF PRESENT: Terry Cullen, Mac Cummins, Department of Planning and Community Development; Matt McFarland, City Attorney's Office

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:41 p.m.)

The meeting was called to order at 6:41 p.m. by Chair ~~Walter deVadoss~~ who presided.

2. ROLL CALL
(6:41 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Laing, who arrived at 6:57 p.m., and ~~Commissioner Chair~~ deVadoss, who was excused.

3. APPROVAL OF AGENDA
(6:42 p.m.)

A motion to approve the agenda was made by Commissioner Carlson. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS
(6:42 p.m.)

Mayor Stokes said he was glad to see the Commission reviewing its bylaws and guiding principles. He said the work done by the Commission on downtown livability is working its way through the Council process. The issues yet to be resolved include the distance between towers and what to do along 112th Avenue SE relative to building height and mass.

Mayor Stokes said he attended the ground breaking for the Bosa condominium project on NE 2nd Street and Bellevue Way. The developer is pleased with the code in that area. The project is an indication of the changes that are coming, and the work done by the Commission has set a solid foundation for changes in the downtown area.

Commissioner Carlson asked whether or not Bellevue is considering getting into a bike share program. Mayor Stokes said staff is looking at the issue, but nothing has yet come before the Council. There are cities that have made bike share programs work for them, including Denver. Bellevue is unlikely to jump into anything big like Seattle did.

Mayor Stokes noted that Amazon has been in the news lately relative to seeking a city in which to house a second headquarters. He said staff is looking at the RFP and is actively pursuing it.

5. STAFF REPORTS (6:51 p.m.)

Comprehensive Planning Manager Terry Cullen welcomed the Commissioners back from the summer break.

Mr. Cullen asked for comments on the new digital format. Chair Walter said her biggest concern was that the ~~electronic tablets~~ units time out too soon. Mr. Cullen said he could show Commissioners the setting to lengthen the time. ~~would have the support staff look into lengthening the time out period.~~ He noted that the materials are also being posted online. All of the desk packet correspondence will be via electronic format, and the Commissioners' personal email accounts will be turned off by November 1 in favor of using only the city accounts. The paper packets will continue to be printed through the end of the year, after which they will also switch over to electronic format.

A. Upcoming Planning Commission Meeting Schedule

Mr. Cullen informed the Commissioners that November 15 will not work for the Commission's annual retreat. Accordingly, the retreat has been rescheduled to November 8. The issues facing the Commission are much lighter than they were a year ago, so the retreat will not be facilitated.

After the 2016 retreat, there were a list of items in need of follow-up, many of which were never addressed due to time constraints. Mr. Cullen said now that the Commission's schedule is much lighter, many of the agenda items will be things that came out of the previous retreat.

A post-evaluation of the Downtown Livability Initiative code amendment will be on the agenda for October 11. Post-evaluations will be done for all major projects reviewed by the Commission going forward.

Mr. Cullen said staff is considering scheduling a training session on Roberts Rules of Order for all board and commission officers.

The Commissioners were informed that all Planning Commissioners are required by state law to take the short course on local planning. He said the course is offered several times per year.

Mr. Cullen took a moment to introduce the new Planning and Community Development Director Mac Cummins. He said Mr. Cummins has been on board since the end of June and brings a fresh perspective and energy to the department.

Mr. Cummins said he was excited to be in Bellevue, a city that is on the verge of some very amazing things relative to growth and development, planning, economic development, and arts and culture. He said he moved to Bellevue from Westminster, Colorado, a city similar in size to

Bellevue that is sandwiched between Denver and Boulder. He said prior to that he was in Scottsdale, Arizona.

6. ORAL AND WRITTEN COMMUNICATIONS
(7:03 p.m.)

Ms. Betsi Hummer, 14541 SE 26th Street, said she serves as a member of the East Bellevue Community Council (EBCC) but was speaking as a private citizen. She said the EBCC meeting on September 5 saw a number of persons attending from the Islam Center on 148th Avenue SE. The Center is in the preliminary phase of rebuilding after the fire. Parking has always been an issue for the Center, and attendees have traditionally used the adjacent parking lot at the Latter Day Saints church. The city now is requiring a written contract to continue that practice.

Ms. Hummer said the EBCC also conducted a public hearing on the Eastgate Land Use Code amendment. Two properties in the jurisdiction of the EBCC, the Shell station and the Champion Center near the entrance to Bellevue College, were discussed, and the owners of each was present to give their blessing to the proposed amendment. The EBCC approved the zoning change. She said she was concerned that the electronic packets for the meeting did not arrive until the Thursday before Labor Day weekend, and many of the Community Council members had not seen the materials before the public hearing.

Ms. Hummer reported that Ray White, vice-president for administration for Bellevue College, has been holding regular community meetings on the third Wednesday of each month. She recommended the Commissioners should attend the meetings occasionally to find out more about what is happening at the college. In addition to development of the dormitories, the soccer fields have been renovated to include lighting for night games. Plans are in the work to build a \$40 million student services building across from the garage, as well as additional parking garages.

7. PUBLIC HEARING – None
(7:11 p.m.)

8. STUDY SESSION

A. Planning Commission Bylaws
(7:11 p.m.)

Matt McFarland with the City Attorney's Office said the draft bylaws would be before the Commission for adoption on September 27. He allowed that while some items could be revised, others were not variable.

Mr. McFarland noted that in July 2015 the City Council amended the enabling statutes for all six of the city's board and commissions via Ordinance #6242. The three main reasons for amending the bylaws for all boards and commissions are to ensure the bylaws comply with the Open Public Meetings Act; to make sure the bylaws comply with the city's personnel code; and to ensure that the bylaws comply with the ethics code, Chapter 3.92 of the Bellevue city code. The bylaws incorporate elements of the City Council's rules and procedures, and there is an overriding goal to provide uniformity and clarity among all of the boards and commissions.

Continuing, Mr. McFarland stressed the importance of Article I, which identifies the Commission's scope of authority. Additionally, the enabling statute BCC 3.64.090 identifies specific limitations on the authority of the Commission. The Commission serves in an advisory

capacity to the City Council under the authority that derives from state law. The Council has the final decision-making authority governing all land use decisions in the city, but the Commission serves the important function of gathering public input. It is absolutely critical that each Commissioner understand the scope of authority, the enabling statute, the ethics code, the Open Public Meetings Act and the Public Records Act.

The Commission is a creature of statute, meaning the role and power is defined by statute. The enabling statute and the Land Use Code identifies the processes to be followed and the criteria to be applied in making a recommendation to the Council. The Council is required to strictly comply with those code provisions.

With regard to the threshold criteria for a code amendment, Commissioner Barksdale said he understood that any proposal that does not meet all of the criteria cannot be recommended, but asked if the Commission is obligated to recommend all proposals that meet all of the criteria. Mr. McFarland said he would need to review the statute to be sure, but was under the impression that the statute included the word “may.” He said he would provide a definite answer to the question at the next meeting.

Mr. McFarland said Article X of the bylaws are also of critical importance in that it addresses conflicts of interest, appearance of fairness, and the need for the Commission to comply at all times with the city’s ethics code. Article XIV identifies the statutory authority that controls the Commission’s management of public records and explains that records generated by the Commission are public records that are the property of the city and must be managed in accord with the Public Records Act. Article XIV is particularly important to pay attention to because of the recent transition to digital transmission of materials.

The procedures and protocols that are not variable will, pursuant to the Council’s direction, be uniformly adopted among all boards and commissions. Articles VI, VIII and XIX all incorporate language that tracks the Council’s rules and procedures.

The procedures and protocols that are in fact variable should be viewed in light of the Commission’s unique role in gathering public input to advise the Council. Mr. McFarland pointed out that the draft bylaws in Article V.J do not address the time of adjournment. He said his recommendation was to set a specific time for adjournment to facilitate Commission control over the length of the meeting, keeping in mind that a meeting can always be extended by motion carried by a majority of the Commissioners if necessary.

Article VII.C addresses the length of time for public hearing testimony. The draft bylaws allow three minutes for public hearing testimony, except for privately initiated Comprehensive Plan amendments, the proponents of which are given 15 minutes. Articles VII.A and VII.D focus on oral and written communications and proposes 30 minutes total, however that length of time could also be extended by majority vote of the Commission if needed. If there were to be a cap of 30 minutes total, along with a limit of three minutes per speaker, one way to meet the cap while still allowing each issue to be addressed would be to keep a tight leash on repetitive testimony.

Mr. McFarland noted that Article V.A talks about the time and place for Commission meetings and lists Wednesdays at 6:30 p.m. The Commission never holds a meeting on the Wednesday before Thanksgiving and that fact could be worked into the bylaws to memorialize it.

With regard to Article V.J, Commissioner Laing voiced support for setting a standard

adjournment time, notwithstanding the fact that the length of a meeting can be extended by majority vote. It certainly would be a good way to set an expectation for the public.

Commissioner Morisseau said a more realistic approach would be to limit the amount of material to be covered during each meeting. Commissioner Laing pointed out that the Commission is fairly good about adjourning before 9:30 p.m., except on the evenings where a public hearing is held. On those nights, the meetings often extend to 10:30 p.m. and beyond. If the intent is to set an expectation for the public about when the Commission will be conducting its business, any end time after 9:30 p.m. in many ways implicitly equates to disinviting the public to participate. He recommended an end time of 9:30 p.m.

Commissioner Carlson said he favored establishing an adjournment time and agreed it should be 9:00 p.m. or 9:30 p.m. Where there is a set time to conclude business, there is an impetus to keep things on a steady course and not allowing them to meander. Where a public hearing is held and the official time period is reached, extending the time period to allow for more of the public to have a say actually sends the opposite message.

Mr. Cullen said it has been his observation that it is not so much the public hearings that have made meetings run late as the public comment opportunities after a public hearing has been held during which the same people have essentially repeated everything said at the public hearing, preventing the Commission from getting to the business at hand until much later in the evening. That certainly was the case during the Eastgate discussions. Where the same comments are made at multiple meetings, the result is often that the Commission's deliberations get strung out over many sessions. Limiting public comment is one way to address that issue.

Commissioner Barksdale said he favored a 9:00 p.m. end time. Any extension likely would not exceed 30 minutes, which would be 9:30 p.m. He said he also liked the idea of limiting public comment at the beginning of each meeting, especially since there is also a public comment period at the end of each meeting.

Commissioner Barksdale asked if limiting repetitive testimony would be carried across meetings. Mr. McFarland said a time of adjournment could be set for meetings that do not have a public hearing, and a different time of adjournment could be set for meetings that do have a public hearing. He stressed that extending a meeting is a very easy thing to do and does not serve as a barrier to getting the work done. He also noted that in the past agenda items were given specific amounts of time, and the Commission chair has been dutiful in sticking to those times. That may not be an option given the shift to Legistar, but having a time of adjournment is a big picture way of having control over the meeting.

Chair Walter sought comments from the Commissioners on the notion of limiting to three minutes the amount of time each person is given to deliver public hearing testimony. Certainly one option would be to limit oral communications after a public hearing to a different amount of time.

Commissioner Laing said in his professional capacity he frequently attends planning commission and city council meetings on behalf of clients. He said Bellevue's approach of giving an applicant 15 minutes and the public five minutes is simply unheard of in other jurisdictions in the state. Bellevue is extremely generous in the amount of presentation time allowed. Testimony before the Washington State Court of Appeals is limited to 12 minutes total. He said his experience in Bellevue has been that for most people, the meat of what they want to say is said in the first one or two minutes of their testimony. Limiting testimony to three minutes would reduce

what is currently a two-hour public hearing to only 72 minutes. He noted his favor for reducing the amount of time an applicant is given to somewhere between 10 and 12 minutes; the applicant often spends two or three minutes thanking the Commissioners for their public service. He recommended allowing the public three minutes both for a public hearing and for oral communications, and allowing applicants only 10 minutes.

Commissioner Carlson agreed. He said by limiting time for testimony, the Commission is urging each person to get to the point quickly. The state legislature only allows two or three minutes for testimony. He concurred with the recommendation made by Commissioner Laing, but said he would allow the Chair the discretion of allowing additional time in which to wrap up.

Commissioner Morisseau asked what was behind the recommendation of staff to allow applicants 15 minutes in which to testify. Mr. McFarland said that has been the amount of time allowed by the Commission's bylaws for quite some time for proponents of a Comprehensive Plan amendment. He said staff did not have a recommendation one way or the other. He clarified that there is a distinction between public comment and public testimony at a public hearing, both of which are variable.

Commissioner Barksdale voiced support for limiting public testimony to three minutes for public comment, and said he would support giving Comprehensive Plan amendment applicants only seven minutes along with an outline of the points the Commission needs to understand. He said his ~~question-answer~~ of whether or not repetitive comment applies across meetings had not yet been answered. Mr. McFarland said determining whether or not testimony is repetitive is somewhat subjective and would require a judgment call by the Chair and the Commissioners. In talking about complicated land use issues, there may be nuances that are similar but not identical. In seeking to limit repetitive comments, the Commission should be mindful of the need for public input and the role of the Commission to gather information on behalf of the Council.

Commissioner Morisseau cautioned against trying to limit repetitive comments across meetings.

Commissioner Carlson pointed out that during a public hearing the Chair has the prerogative of making a statement about a particular point having been made several times and inviting the public to make different points instead. Mr. McFarland said that would particularly be true in the case of a public hearing. The Chair has a lot of control over the public comment period, but a public hearing is the opportunity for the public to speak and the Commission should not put itself in a position of trying to shut down that right.

Commissioner Laing agreed. He pointed out that the public is welcome to provide written comments at any time. Often someone will submit their comments in writing and then come to a meeting and read those comments to the Commission. He said he would feel very comfortable placing an aspirational cap on the length of time allowed for a public hearing and for public comment given that information can be submitted in writing.

Chair Walter floated the idea of allowing three minutes per person for the first 30 minutes and only one minute per person thereafter rather than simply cutting off all testimony. Commissioner Barksdale pointed out that even if public comment is limited to 30 minutes overall, the public still has the opportunity to speak at the end of each meeting. Reducing testimony to one minute could raise the issue of fairness. Mr. McFarland reminded the Commissioners that in any event the Commission has the opportunity to extend the public comment period.

With regard to the time to adjourn the meetings, Commissioners Barksdale and Laing suggested

it should be 9:00 p.m., while Commissioner Morisseau suggested it should be 9:30 p.m. Mr. McFarland said he would put 9:00 p.m. in the draft and let the Commissioners think about it before making a final decision at the September 27 meeting.

With regard to testimony time limits, Commissioner Barksdale proposed three minutes for public hearing testimony and seven minutes for applicants of Comprehensive Plan amendments along with criteria outlining what the Commission would like to hear. Commissioners Carlson and Laing concurred. Commissioner Morisseau commented that either seven minutes or ten minutes seems arbitrary, but she agreed with the need to have a structure for presenters.

Chair Walter suggested that any handouts from the public should be provided to staff rather than directly to the Commissioners, which takes more time. Staff could then hand them to the Commissioners while the speaker talks.

There was agreement to limit oral communications outside of a public hearing to three minutes per speaker and 30 minutes total, leaving open the possibility of extending the time by majority vote. There was also agreement directing staff to draft language stating that the Commission does not hold meetings on Wednesdays that precede or are followed by a national holiday.

Chair Walter called attention to the section in the draft calling for the Commission to provide quarterly communications to the Council and asked if that would be in the form of a presentation at a Council meeting or just a meeting with the Council liaison. Mr. Cullen said the intent is to hold a quarterly meeting with the Council liaison. The Council wants to be in regular contact with all of the boards and commissions to stay abreast of what each is working on. The Planning Commission by virtue of its work is before the Council more often than any other board or commission in any given year and as such has high visibility.

B. Planning Commission Guiding Principles (7:59 p.m.)

Mr. Cullen said the guiding principles were informally developed following the 2014 annual Commission retreat. At the 2016 retreat, it was pointed out that while there were guiding principles extant, they had never been daylighted and used. Staff conducted research and found the principles, with Part A addressing the local governance of planning; Part ~~BE~~ addressing standard practices; and Part C ~~beinghaving~~ the actual guiding principles. To date, the Commission has not had opportunity to fully address Part C.

Mr. Cullen said most corporations have guiding principles, but most of the city's boards and commissions do not. He stressed that staff had no recommendation with regard to what the Commission should do with the guiding principles. The options available to the Commission are to review the existing principles and make modifications to them, endorse them as they are, or elect not to have them at all.

Chair Walter said the issue of guiding principles came out of the Commission's 2014 annual retreat. She said she and Commissioner deVadoss took on the task of drafting a set of guiding principles following a rather tumultuous process involving the Shoreline Master Plan. There were missteps involved in that process and trouble with perspective from different bodies that worked on that issue together.

Commissioner Carlson noted that development of the shoreline plan went through three administrations. The Commission actually stopped its evaluation and study process and started

~~over~~ using an entirely new methodology. The process slogged on before finally ending up with a very good product and a unanimous vote.

Commissioner Morisseau said the Commission needs guiding principles to clearly define how the body is to go about doing things. The Commission should review the draft guiding principles, revise them as needed, and adopt them.

Commissioner Barksdale said he favored having guiding principles and agreed that they should be revisited. He added that the principles should be revisited annually. Commissioner Morisseau suggested revisiting the guidelines could be a regular agenda item for the annual retreat.

Commissioner Laing said the guiding principles are intended to serve as a code of conduct for the Commission's operations and relationship with staff. He pointed out that Commissioner deVadoss worked very hard on drafting the guiding principles and said he said he would not feel right about having a full discussion regarding the principles ~~with~~out having Commissioner deVadoss present, and indeed the new Commissioner. The discussion could occur either at the retreat or at a regular meeting. Commissioners Barksdale and Morisseau concurred.

Commissioner Carlson agreed as well and pointed out that the Commission already fairly closely follows the draft guiding principles.

Mr. Cullen said he would tentatively program further discussion of the guiding principles for the Commission meeting on September 27.

9. OTHER BUSINESS – None
(8:14 p.m.)

10. APPROVAL OF MINUTES
(8:14 p.m.)

A. July 12, 2017

Commissioner Morisseau called attention to the last paragraph on page 5 and said the word “four” in the first sentence should be changed to “some.” She also asked to have the sentence rewritten to indicate she was only giving an example, not stating a fact.

Commissioner Carlson noted that the word “four” in the fourth sentence of the same paragraph should be changed to “those.”

Commissioner Barksdale referred to the second paragraph on page 3 and said the fact that the Commission had acknowledged an interest in addressing the Comprehensive Plan amendment criteria should be reflected in the minutes.

A motion to approve the minutes as amended was made by Commissioner Laing. The motion was seconded Commissioner Carlson and the motion carried unanimously.

B. July 26, 2017

A motion to approve the minutes as written was made by Commissioner Morisseau. The motion was seconded by Commissioner Laing and the motion carried unanimously.

Commissioner Carlson then called attention to the fourth paragraph on page 13 of the July 12 minutes and pointed out that as drafted the minutes indicate he both made the motion to approve the election process and seconded the motion. Mr. Cullen said he would clarify that and make the correction.

11. CONTINUED ORAL COMMUNICATIONS
(8:19 p.m.)

Ms. Betsi Hummer, 14541 SE 26th Street, said she found the Commission's discussion regarding the bylaws to be very interesting. She said she could see the application to the East Bellevue Community Council. With regard to the guiding principles, she asked the Commissioners to consider broadening the issue of communication between the Commission and staff to include residents. The Commission should agree with the need to respect residents and to understand that making a presentation can be very daunting. The communicate section should also include outreach to residents, and the deliver results section should include letting residents know the status of projects. She added that the East Bellevue Community Council would like to be invited to the seminar on Roberts Rules of Order.

12. EXECUTIVE SESSION – None
(8:24 p.m.)

13. ADJOURN

A motion to adjourn was made by Commissioner Laing. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

Chair Walter adjourned the meeting at 8:24 p.m.